

Developmental Disabilities Council  
Reading Cover Page

Date: September 21, 2006

Meeting: Governance

Reading Number: 06-G-08

**Issue:** Designated State Agency Review

Included in the Reading:

Draft Designated State Agency Review tool

Background/Summary:

The federal law says the Council should periodically review its Designated State Agency (DSA) to determine if the DSA is providing the services the Council needs and is not interfering with its advocacy activities.

At the September meeting, the committee will begin the process of reviewing the Council's Designated State Agency (CTED) including deciding what elements should be reviewed and what tasks we will undertake to do the review.

Action: Review for discussion

If there are any questions, please contact Clare  
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Designated State Agency  
Public Law 106-402  
Section 125 (c) (6)

**Review of Designated State Agency** – The Council shall periodically review the designated State agency and activities carried out under this subtitle by the designated State agency and make any recommendations for change to the Governor.

(C) **Review of Designation** – The Council may request a review of and change in the designation of the designated State agency by the Governor (or Legislature, as the case may be). The Council shall provide documentation concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or Legislature, as the case may be) regarding a preferred designated State agency.

**Designated State Agency Responsibilities**

- (A) **In General** – The designated State Agency shall, on behalf of the State, have the responsibilities described in subparagraph (B) through (G)
- (B) **Support Services** – The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council
- (C) **Fiscal Responsibility** – The designated State agency shall-
  - (i) receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and
  - (ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.
- (D) **Records, Access, and Financial Reports** – The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council
- (E) **Non-Federal Share** – The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c)
- (F) **Assurances** – The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.
- (G) **Memorandum of Understanding** – On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

## **Use of Funds for Designated State Agency Responsibilities**

### **(A) Conditions for Federal Funding –**

- (i) In General – The Secretary shall provide amounts to a State under section 124©(5)(B)(iv) for a fiscal year only if the State expends an amount from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) for the fiscal year that is not less than the total amount the State expended from such sources for carrying out similar responsibilities for the previous fiscal year.
- (ii) Exception – Clause (i) shall not apply in a year in which the Council is the designated State agency.

### **(B) Support Services Provided by Other Agencies –** With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

<b>Designated State Agency Services</b>	<b>Description of Services</b>	<b>Required or negotiated Comments</b>	<b>Timely</b>	<b>Efficient</b>
<b>Support Services –</b> State Plan assurances	Assurances required for State Plan submittal	Required	Yes	Yes
<b>Support Services -</b> Negotiated with Council or contracted with other agencies	Personnel, administrative	Not negotiated		
<b>Fiscal Responsibility</b> Receive, account for & disburse funds based on State Plan	Receive federal grant, accounting for funds, & makes payments to contractors	Spending authority is delegated to Executive Director & Budget Manager		
<b>Fiscal Responsibility</b> Fiscal control & accounting for funds paid to the State	Provides accounting, budget & fiscal functions & oversight			
<b>Fiscal Responsibility</b> Records, access, financial reporting	Maintains accounting records, receipts & submits Financial Status Reports to federal agency			
<b>Non-federal Share of State Plan projects</b>	Providing \$196,000/year \$132,000 for agency indirect costs, \$64,000 available to Council Dated 8/1996			
<b>Memorandum of Understanding</b>		Needs to be updated to be consistent with PL 106.402 or new law		
<b>Maintenance of Effort – State share</b>	Currently being maintained at previous year level			
<b>Non- Interference</b>	No problems at this time.			
<b>Other services</b>				